In the United States District Court
For the District of Delaware

James St. Louis
plaintiff

v

Ralph Heverin
David Pierce
Officer Bernie Williams et al.

OCT 30 2006

BD scanned

Motion For leave to File Pertinent evidence not available until recently as provided by ACLU under freedom of information act.

Plaintiff James St. Louis persuant to Civil Rights Act 42 USC 1983 filed on 10/14/2006 regarding procedural due process violations would like to add exhibits and explanations below.

1. exhibit A
   - A. note date of incident
   - B. note disciplinary type
   - C. violations recorded
2. exhibit B
   - A. date on form of grievance
   - B. date of return on back

3. exhibit C

A. return letter from deputy Worden addressing appeal with date and assigned officer.

4. exhibit D and E

A. date officer first looked into appeal (top right)

B. notice of hearing.

5. exhibit F

A. last appeal from Chief of Bureau denying defendant due process.

The arguement brought forth for defendant is one of violation of procedures by the State of Delaware Correctional Center and officers involved in this complaint per their own procedural manual (exhibit G)

In manual it list Class I and Class II offenses and what each are and how to handle these hearings. On page 5 it list Class I hearings and procedures to page 8 where class II offenses begin. If you check violations on defendants sheet all his charges are class II despite an individual identifying them as class I.

Also on page 8 it list sanctions and continues on page 9 with Class II sanctions

It also says that with a class II violation all penalties are given out by supervising authority unless you already have 3 write ups, then the 4th is a Class I. Defendant has [no] other write ups not even a 24 hours loss of all privileges. As read in Class II hearings

Appeals are addressed next for Class I and Class II which was not followed per departments own procedures.

Defendant asked numerous time for a copy of rules from law library and building C/O and was denied access saying they are prohibited from giving out to inmates.

It also addresses how a Class I or Class II offense has to be forwarded to the watch commander for review before punishment is handed out. This was never done. Defendants report was only addressed because defendant pushed the issue as a false report for retaliation in the kitchen. Procedures also say that once a Class II hearing is done which I was terminated with no other punishment. Upon appeal no further punishment can be handed out. Defendant received 5 days Confined to Quarters and was classified to a higher security housing unit with less freedom and access to law library and other activities like church and bible study which defendant has been denied. (See exhibit H)

Defendant first is asking for an injuction for defendant to return to his minimum security classification, expunge of incident from records, return to building where defendant was housed.

Defendant also asks this court to order the Delaware Correctional Prison System to post in a relevant and high traffic location the procedures and listings of all disciplinary actions so this unfortunate incident doesn't repeat itself.. Defendant also ask like previously all personally in their official and individual capacity those who in activity and non activity be held accountable monetary and sanctions permitted and any other relief deems appropriate by this court.

James St. Louis

Certificate of Service

I hereby certify that on October 27, 2006

I mailed by United States service, two copies of this document to the following participant I also mailed motion per U S postal service a copy to the clerk of The United District Court.

Elizabeth McFarlan
Deputy Attorney General
Department of Justice
820 N. French Street
Wilmington De 19801

James St. Louis
SBI # 446518
Delaware Correctional Center
1181 Paddock Rd.
Smyrna De 19977

I/M James St. Louis
SBI# 446518 UNIT MHU22A (5L)
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 01.83⁰
0004608975 OCT 27 2006
MAILED FROM ZIP CODE 19977

legal mail

United States District Court
Lockbox 18
844 King Street
U.S. Courthouse
Wilmington, Delaware
19801

Case # 1:06-cv-641 (SLR)

legal mail

U.S.M.S. X-RAY

Disciplinary#
1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 12/09/2005

DISCIPLINARY REPORT

Disciplinary Type: Class1 **Housing Unit:** Bldg E **IR#:** 1028348

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00446518	Stlouis, James J	DCC	Bldg.14 Food Prep. Area	12/07/2005	12:00

Violations: 2.01/200.105 Abuse of Privileges, 2.10/200.213 Lying

Witnesses:1. N/A **2.** N/A **3.** N/A

Description of Alleged Violation(s)

On The Above Date And Approx. Time I/M James St. Louis Was Terminated For Lying And Abuse Of Privileges/M James St. Loui Told Me, Fssii Boring That Chicken Parmesan And Bread Pudding W/ Raisins Was Approved By Director Klein. I/M Lied To Me Fss Boring About The Approval Of The Products.

Reporting Officer: Boring, Mary M (FS Specialist I & II)

Immediate Action Taken

Immediate action taken by: Boring, Mary M -FS Specialist I & II

404 Written

Offender Disposition Details

Disposition: N/A **Date:** N/A **Time:** N/A **Cell secured?** No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☐ **Disapproved:** ☐ **Approved By:** , ()

Comments: N/A

Shift Supervisor Details

Date Received: **Time:** **Received From:** ,

Shift Supervisor Determination:

[ ] Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for _______ hours not to exceed 24 hours)

[ ] Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearing

____
, ()

I have received a copy of this notice on **DATE:**_______________ **TIME:** _________ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing Officer: ______________________________ ,

Offender: ______________________________
Stlouis, James J

exhibit A

#22285

FORM #584

GRIEVANCE FORM

FACILITY: Bldg. 14 Food Prep Area **DATE:** 12/10/05

GRIEVANT'S NAME: JAMES ST. Louis **SBI#:** 00446518

CASE#: ~~disciplinary# 1022115~~ **TIME OF INCIDENT:** Report 12:00

HOUSING UNIT: E

BRIEFLY STATE THE REASON FOR THIS GRIEVANCE. GIVE DATES AND NAMES OF OTHERS INVOLVED IN THE INCIDENT OR ANY WITNESSES.

see sheet included (3) to explain grievance.

ACTION REQUESTED BY GRIEVANT: appology from Ms Boring and reinstatement and back pay from main kitchen and striken from my record.

GRIEVANT'S SIGNATURE: James St. Louis DATE: 12/10/05

WAS AN INFORMAL RESOLUTION ACCEPTED? _____(YES) _____(NO)

(COMPLETE ONLY IF RESOLVED PRIOR TO HEARING)

GRIEVANT'S SIGNATURE:________________ DATE:______________

IF UNRESOLVED, YOU ARE ENTITLED TO A HEARING BY THE RESIDENT GRIEVANCE COMMITTEE.

cc: INSTITUTION FILE
GRIEVANT

exhibit B

RECEIVED
DEC 13 2005
Inmate Grievance Office

April '97 REV

10:30AM talked to Karney to see grievance officer

12/9/05 9:50 AM

9AM left Building E to go to kitchen to work upon entering kitchen I handed my pass to officer Wagner and proceeded into kitchen to coat room and then to set up for todays work. After getting the count and needs for diet cooks I noticed a sign up on the zone one office for 2nd cooks. I saw I/M Coles and asked him about it. He explained that I was terminated and he was told to run the floor. I proceeded to Lt. Lehman's office and upon entering asked him if I was terminated. He said he just received an E mail outlining suspension pending temenation of out come of healing. And told me spec. Boring wrote up this order. I asked him what for and could I get a copy of it. He proceeded to enter his computer and gave me a copy of said order. We talked for awhile and he said his advise to me is chill for awhile and grieve it, and was sure the truth would come out sooner or later. I left and went back to my building were I noticed the write up was dated 2 days ago at noon.

facts:

#1. Around Thanksgiving time we (cooks) were preparing a Thanksgiving day meal and Ms. Boring asked if we were going to have bread pudding I responded and told her no we were having sweet potatoe pie instead. She said she always adds raisens to her bread pudding and wouldn't it be nice if we could do it here. I told her probably but I didn't know when we were going to have it. She asked me to let her know so she could bring in some raisons for workers chow and I said I would. In the mean time Mr. Greenwell (a second cook) told me Mr. Govan (1st cook) and himself met with Mr. Cline (head of kitchen) and was told if we had enough bread after making stuffing for Thanksgiving he could do bread pudding sometime. Now two weeks ago we had chicken patties and had 200 left over from lunch which I put in the freezer. And last Monday we had spagetti and meat sauce left over from dinner that was put in the cooler. I said to Mr. Govan it would be nice if this week we had chicken patties w/sauce and bread pudding and he agreed says ask zone one if we can do it Thursday seeing it is a terrible meal. I proceeded to zone 1 and asked officer Johnson if he was incharge Thursday and he said yes. And I asked to run something by him I told him of Greenwells conversation about Kline OKing bread pudding and I told him about the chicken patty and sauce and ask if it would be alright with him if we had them Thursday and he said it was OK. Upon leaving zone one I saw Ms. Boring and told her we were having Bread pudding and chicken patty and sauce Thursday and she said she wanted to bring in raisins. I told her to talk to Mr. Greenwell because he had Klines permission and that she should clear it through him. She immediately went to Greenwell and discussed the issue upon completion told me she was going to check Mr Kline.

The next thing I know I have Wendsday off but worked 1/2 a day (which was the 7th worked to 1pm) and no one said anything to me. Thursday I was called into the kitchen at 1:30 pm to see Lt Morris and Lt. Lehman to answer questions about the supposedly meal. I did not go into work Thursday because I was told by 3rd cooks Wendsday night at 5 pts that the meal was canceled and was asked if I was OK. No one mention the write up or suspension until this AM.

12/8

STATE OF DELAWARE
DEPARTMENT OF CORRECTION
OFFICE OF THE DEPUTY WARDEN
DELAWARE CORRECTIONAL CENTER
1181 Paddock Road
SMYRNA, DELAWARE 19977
Telephone: (302) 653-9261
Fax: (302) 659-6668

MEMORANDUM

TO: IM James St. Louis SBI# 446518 E D33B

FROM: Deputy Warden Pierce

DATE: February 7, 2006

RE: Disciplinary

I received your letter dated February 1 2006, regarding a disciplinary you received and have forwarded your concerns to Hearing Officer Williams for his action.

DP/dc
Attachment
cc: S/Lt Williams
File

exhibit C

#446518 E Bldg.
D33B

RECEIVED
FEB 02 2006
DEPUTY WARDEN I

2/1/06

Dear Deputy Warden Pierce

Sir I am writing you because I can not get an answer to my problem. On Dec. 7 2005 Officer Boring, from the kitchen, wrote a disciplinary report #1022173 which said I lied to here for my own personal gains. I worked pass the 1200 hour this report was done and upon asking 2 times if I was fired was told no by Lt. Lehman from the kitchen. On December 9 2005 I was told about this disciplinary report, 2 days later, and was given a copy of it but was also told by Lt. Lehman I was suspended pending a disciplinary hearing and that I should file a grievance on this action. Upon my return to my building I asked the building officer in charge to call to C/O incharge of prison so I could put forth a complaint. I was told he would be over as soon as he was free, that was about 9:40 AM December 9 2005, and I still haven't seen him. I asked two more times and was told to be patient I decided to write my grievance and presented it to the building C/O who placed it in the grievance box on 12/10/05.

As of January 24, 2006 I had heard nothing about my grievance or my disciplinary hearing and wrote a letter to the Warden, the Greivence Officer, Chris Klein, Michael Knight and Lt S. Morris explaining to them that I have yet received my 8th Am rights to due process by [not] having a disiplinary hearing and also requesed information which I tried to get from law library and the building 40 about kitchen disciplinary hearing, which I was told does not exist. I told them about the witnesses I would like to call for my hearing.

Now we come to today 2/1/06 I received back from the Greivence Officer my paper work telling me I can not Greive a disciplinary action. The first time I did a greivence was about Counselor McMann and the physical threats and was told I could not greive that. What exactly can be greived? I do not understand. I do want a disciplinary hearing and have a right to one and will go to civil federal court for one. I am in the process of obtaining a lawyer you are all familar with civil law suits I don't want any problems only what the law says I can get and thats to be treated fairly and which is [not] happening

I'm not going tho threaten anyone by I am telling you this I've made copies of everything and sent them out to my son and told him to go to the papers with both Grievances If I do not tell him progress is being made.

I'm so so sorry for having to involve you but as an officer told me who gave me your name. If we had competent C/O here who knew what was right and how to do it. I wouldn't have to address this to you.

See I'm not an angle but I also do not lie and I will not admit something I did [not] do or have something on my record I did not do without fighting with everything I have at hand. I was told if I push this issue there could be repercussions The only thing I say to that is God protects those who trust in Him and nothing happens without His sayso.

I hope we can address this issue and come to a fast solution

Thanks for your time
Jim St. Louis
446518
- Bld D 33

Disciplinary# 1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 02/15/2006

DISCIPLINARY REPORT

Disciplinary Type: Class1 **Housing Unit:** Bldg E **IR#:** 1028348

SBI#	Inmate Name	Inst. Name	Location Of Incident	Date	Time
00446518	Stlouis, James J	DCC	Bldg.14 Food Prep. Area	12/07/2005	12:00

Violations: 2.01/200.105 Abuse of Privileges, 2.10/200.213 Lying

Witnesses: 1. N/A 2. N/A 3. N/A

Description of Alleged Violation(s)

On The Above Date And Approx. Time I/M James St. Louis Was Terminated For Lying And Abuse Of Privileges/M James St. Loui Told Me, Fssii Boring That Chicken Parmesan And Bread Pudding W/ Raisins Was Approved By Director Klein. I/M Lied To Me Fss Boring About The Approval Of The Products.

Reporting Officer: Boring, Mary M (FS Specialist I & II)

Immediate Action Taken

Immediate action taken by: Boring, Mary M -FS Specialist I & II

404 Written

Offender Disposition Details

Disposition: N/A **Date:** N/A **Time:** N/A **Cell secured?** No

Reason: N/A

Disposition Of Evidence: N/A

Approval Information

Approved: ☑ **Disapproved:** ☐ **Approved By:** Lee, Bradley Jr.(Staff Lt./Lt)

Comments: N/A

Shift Supervisor Details

Date Received: 02/15/2006 **Time:** 13:57 **Received From:** Boring, Mary M

Shift Supervisor Determination:

[ ] Upon reviewing this Disciplinary Report, I conclude that the offense may be properly responded to by an immediate revocation of the following privileges(see reverse side) for ________ hours not to exceed 24 hours)

[X] Upon reviewing this Disciplinary Report, I conclude that the offense would be properly responded to by Disciplinary Hearin

LBL

Lee, Bradley Jr.(Staff Lt./Lt)

I have received a copy of this notice on **DATE:**______________ **TIME:** ________ and have been informed of my rights to have a hearing and to present evidence on my own behalf. I understand, if found guilty, I will be subject to imposition of sanctions outlined in the Rules of conduct.

Preliminary Hearing Officer: ______________________ Lee, Bradley Jr.

Offender: ______________________ Stlouis, James J

exhibit D

DR # 1022173

Date: 2/16/06

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

NOTICE OF DISCIPLINARY HEARING – FOR MINOR/MAJOR OFFENSE

To: Inmate: St Louis, James J. **SBI#: 00** 446518 **Housing Unit:** E

1. You will be scheduled to appear before the Hearing Office to answer charges pending against you. (Staff are to explain the charges as listed on the 122).

2. At that time, a hearing will be held to determine whether you violated Institutional Rule(s) as alleged in the attached Disciplinary Report.

   How do you plead? ☐ **Guilty** ☑ **Not Guilty**

3. A "Minor Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
   a. Written Reprimand.
   b. Loss of one or more privileges for a period of time **of more than 24 hours but less than 15 days.**

4. A "Major Offense" is a rule violation in which the extent of the sanction to be imposed shall be restricted to:
   a. Loss of one or more privileges for a period **of more than 15 days but less than 60 days.**
   b. Confinement to assigned quarters for a period of time not to exceed 30 days.
   c. Isolation confinement for a period of time not to exceed 15 days.
   d. Loss of good time for a period of time not to exceed 30 days. (Forfeiture of accumulated good time shall be subject to the approval of the Commissioner or his designee.)

5. You have the rights in the disciplinary process as stated on the lower and back of this page. These have been fully explained to you at the time of this notification.

6. Counsel requested? ☐ **Yes** ☑ **No** Name of Counsel: ____________

7. Confront accuser? ☑ **Yes** ☐ **No**

8. Witness requested? ☑ **Yes** ☐ **No** Name of Witness: I/m Greenwell, Bryon
   FSS Morris, Cheryl
   FSSII Johnson, A.

I certify that on 2/16/06 (Date) at ________ (Time),

I served upon the above inmate this notice of Disciplinary Hearing for Minor/Major Offense and the Disciplinary Report is attached hereto.

[signature]
(Employee's Signature & Title)

I have received copies of 122 & 127 and understand my rights as Form #127 has been read to me.

X [signature]
(Inmate's Signature)

Exhibit E

2/16/06 Letter to C/O Disciplinary Officer for director Klein – I/M Govan C/O Lt. Lehman / also no response for fact finding from Lt. Morris

Form 127: May 30, 2003 DACS

DR# 1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/10/2006

6

DISCIPLINARY HEARING DECISION

Inmate : Stlouis, James J **SBI#:** 00446518 **Type:** Class 1

Institution: DCC Delaware Correctional Center **Hearing Date:** 02/23/2006 **Time:** 12:37

Inmate Present: Yes **Reason(If No):** N/A

Violation: 2.01/200.105 Abuse of Privileges, 2.10/200.213 Lying

Inmate PLEA: **Not Guilty**

Inmate Statement: Because I didn't do what she said I did.

Witness Name: Greenwell, Bryon → was not present

Testimony : Lt. ~~Morris state's Mr~~ greenwell said nothing about raise for bread pudding
Sgt. johnson, Andre state's He know nothing of this bread pudding W/Raisins

Witness Name: Morris, Cheryl

Testimony : N/A

Witness Name: Johnson, Andre

Testimony : N/A

Decision : **Guilty**

Rational : Accuser state's I/M said he got the approved from Mr. Klein. After listen to Lt. Morris an Sgt. Johnson I find I/M Guilty of all charges

Sanctions: N/A

HEARING OFFICER'S SIGNATURE ______________________
Heverin, Ralph

I understand that I may appeal the decision of a Class II Hearing to the Class I Hearing Officer.I may appeal the decision of a Class I Hearing to the facility administrator.I also understand that I have 72 hours to submit my notice of appeal in writing to the Class I Hearing Officer if I am appealing a Class II Hearing decision or the Warden if I am appealing a Class I Hearing decision.

I [X] DO [ ] DO NOT INTEND TO APPEAL

____
INMATE's SIGNATURE

ORDER TO IMPLEMENT SANCTIONS

[ ] Inmate does not wish to appeal

[X] Appeal has been denied by Commissioner or Designate

[ ] Sanctions have been modified

[ ] Time Limit(72 Hours since hearing) for appeal has expired

It is here by ordered to implement the sanctions:

Sanctions	Start Date	Days	End Date
1. Confinement to Quarter	04/10/2006	5	04/14/2006

DR #
1022133

Date: 2-23-06

DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

wrong should be class II

DISCIPLINARY HEARING DECISION

☑ Class I (Major) ☐ Class II (Minor) ☐ Summary (24 Hour LOAP)

Inmate: [illegible] **SBI#: 00** 446518
Institution: Delaware Correctional Center **Hearing Date:** 3-23-06 **Time:**

Inmate Present: ☑ Yes ☐ No

Reason (If No):

Violation: 200.105 AP, 200.213 Lying
Inmate Plea: Not Guilty
Inmate Statement: Because I didn't do what she said I did.

Witness Name: [illegible]
Testimony: [illegible] bread pudding.

Witness Name: Lt. Johnson [illegible]
Testimony: Bread pudding w/ Raisins.

Witness Name:
Testimony:

Decision: ☑ Guilty ☐ Not Guilty ☐ Further Investigation
Rational: [illegible]

Sanctions: 5 days CTA

Hearing Officer's Signature [signature]

I understand that I may appeal the decision of the Hearing Officer (or Shift Supervisor in the case of a Summary Sanction) to the Commissioner of Correction or his designee. I must complete a Disciplinary Appeal Form within 72 hours immediately following the hearing and mail it to the DCC Hearing Office.

☑ **I do intend to appeal.**
☐ **I do not intend to appeal.**

[signature]
Inmate's Signature

ORDER TO IMPLEMENT SANCTIONS

☐ **Inmate does not wish to appeal** ☐ **Appeal has been denied by Commissioner or Designee**
☐ **Sanctions have been modified** ☐ **Time Limit (72 hours since hearing) for appeal has expired**

Modifications:
It is hereby ordered to implement the sanctions or modified sanctions on **Date:** ____ **Time:** ____

Form 121 – May 30, 2003 – 2 pt. NCR DACS

exhibit F

DR#
1022173

DCC Delaware Correctional Center
Smyrna Landing Road
SMYRNA DE, 19977
Phone No. 302-653-9261

Date: 03/02/2006

Inmate : Stlouis, James J — SBI#:00446518 — Type:Class 1

Institution:DCC Delaware Correctional Center — Hearing Date:02/23/2006 — Time: 12:37

MEMORANDUM

To : Stlouis, James J

From : Chief, Bureau of Prisons

RE : APPEAL DECISION

1. **Confinement to Quarter**

Your appeal [ ] Accepted [X] Denied

The decision of hearing [X] Affirmed [ ] Reversed [ ] Remanded for further proceedings

The sanction imposed by hearing officer will [X] Remain as imposed by the Hearing Officer [ ] Reduced

The basis of this decision is as follows :

The reports support the guilt. your appeal contains no evidence to support a change.{SLD}

This report has been reviewed by Rendina, Anthony J

Date Reviewed **03/02/2006**

letter sent
: disappointment
: journal
; attorney

exhibit F

STATE OF DELAWARE BUREAU OF PRISONS PROCEDURE MANUAL	PROCEDURE NUMBER: 4.2	PAGE: 1 OF 18
	RELATED ACA STANDARDS: 29	
CHAPTER: 4 DECISION MAKING RELATING TO OFFENDERS	SUBJECT: RULES OF CONDUCT	
APPROVED BY THE CHIEF, BUREAU OF PRISONS: Paul W Howard		
EFFECTIVE DATE: Revised October 1, 2004		

I. AUTHORITY: DOC Policy 4.2

II. PURPOSE: To establish reasonable rules of conduct and a system of penal discipline for inmates under the jurisdiction of the BOP. The purpose of discipline is to correct behavior. The least serious sanction needed to correct the inmate's behavior should be used.

III. APPLICABILITY: All BOP employees, volunteers, persons or organizations conducting business with the BOP, all inmates under the supervision or custody of the BOP. This procedure will not be used at Delaware Correctional Center. The Corrections Code of Penal Discipline will be used at DCC.

IV. DEFINITIONS:

A. ATTEMPT: An act which constitutes a substantial step in a course of conduct planned to result in the commission of a rule violation and/or criminal offense.

B. CLASS I OFFENSE: Violations, which are termed a major misconduct and are considered serious.

C. CLASS II OFFENSE: Violations, which are termed a minor misconduct and are considered less serious.

D. CONTRABAND: Article, substance or thing which is not authorized by the Department of Correction, obtainable through the institutional commissaries, specifically permitted by applicable prison regulations, or otherwise specifically authorized by the Warden, and the accumulation of authorized items beyond the established limit.

E. INTOXICATION: Condition in which a person's powers of self-control have been impaired because of the consumption of alcohol and/or drugs.

F. LEAD WORKER: An employee who continuously works in a limited supervisory capacity as a function of the employee's normal duty assignment.

G. PRIVILEGES: Benefits conferred upon the inmate population by institutional regulation including commissary, recreation (including tier recreation), telephone calls, and visits, which may be temporarily revoked for violation(s) of the Rules of Conduct.

H. PROHIBITED AREA: Any area to which an inmate is not authorized to be present.

I. RESTITUTION: Repayment for property taken, damaged or destroyed by an inmate.

J. RIGHT: Anything guaranteed by law, which may not be revoked as a disciplinary sanction.

K. SUMMARY ACTION: Action taken by an authorized person without benefit of a disciplinary hearing. The sanction for Summary Action shall be from the time it is imposed, not the time of the incident.

L. UNIT SUPERVISOR: An employee of the rank of Lieutenant or higher with supervisory responsibilities over a unit or sub-unit within a facility.

M. WATCH COMMANDER: An employee of the rank of Lieutenant or higher with supervisory responsibilities over an entire facility during the employee's shift and/or tour of duty. (May be a Sergeant in smaller institutions)?

N. WILLFULLY: Conscious purpose to engage in the conduct or cause the result.

V. PROCEDURE: This procedure will be construed according to the fair meaning of its terms; to correct behavior, not punish; to utilize the least restrictive sanction that achieves desired behavior; to promote justice; and to accomplish the following general objectives:

A. Promote the safety and welfare of everyone within the institution.

B. Promote the efficient administration and operation of the institution.

C. Define what conduct is prohibited in the institution and state the Sanctions that may be imposed to punish such conduct. Prisoners of the Department shall have access to those portions of the disciplinary rules which would result in a disciplinary action or loss of privileges. This access may take form as posted bulletin boards, law library file copies, housing unit postings, or other general notice formats approved in advance by the Commissioner. Individual copies of specific disciplinary rules will be made available at the inmate's written request and expense, in similar manner to other law library document requests.

D. Prevent arbitrary or retaliatory treatment of inmates accused or convicted of offenses.

E. Prescribe penalties that are proportionate to the seriousness of the offenses.

F. Provide a climate of certainty within which both correctional staff and inmates will have a clear picture of the relationship of each to the other and each to the interests of the institution.

Upon the reasonable belief of an institutional staff member that an offense has been committed, he/she should consider if a Summary Action, Class I disciplinary report or Class II disciplinary report is required. If the determination is made that the action requires Summary Action it shall be completed as outlined in this procedure. If a disciplinary report is required, the report shall include:

A. The specific rule (s) violated.

B. The facts surrounding the incident. Conjecture or conclusion shall not be made by reporting staff.

C. The names of the witnesses to the incident, if any.

D. The disposition of any evidence involved.

E. Any immediate action taken.

F. The date and time of the offense.

G. The signature of the reporting staff member.

The disciplinary report should be submitted before the end of the shift, and must be submitted within 24 hours. All staff members listed as witnesses on the disciplinary report should submit an Incident Report (Form 404). These reports will be turned in to the Watch Commander.

The Watch Commander reviews the disciplinary report to determine if the report is complete. The Watch Commander or designee determines if the violation is a Class I or Class II offense. If the violation is one designated as requiring pre-hearing detention, the Watch Commander or designee (Lieutenant or higher) reviews the report with the inmate and records the inmate's statement about the charges on the form. This should be done at the time of or soon after the inmate is moved to pre-hearing detention.

For other Class I or II the Watch Commander or designee Lead Worker Class II, Lieutenant or higher Class I will review the report with the charged inmate, record the inmate's statement about the charges and provide the inmate with a copy of the disciplinary report. This will normally be done on the shift the report is written or within 24 hours if circumstances do not permit it. In all cases the report will be provided to the inmate at least 24 hours before the hearing.

Inmates assigned to pre-hearing detention will have their Class I hearing not less than 24 hours nor more than 72 hours (excluding weekends and holidays) after placement in pre-hearing detention.

PRE-HEARING DETENTION: The following offenses are considered serious and should require automatic pre-hearing detention:

A. Arson

B. Assault

C. Engaging in a Riot

D. Escape and Attempt to Escape

E. Felony

F. Fighting

G. Homicide

H. Inciting to Riot

I. Restraint

J. Sexual Assault

Watch Commanders may, at their discretion waive automatic pre-hearing detention. They may impose pre-hearing detention for any Class I Offense when deemed necessary.

For any other offense not listed, the inmate may remain in his existing status unless the inmate is considered a threat to other inmates, staff, or himself sufficient to warrant pre-hearing detention. When pre-hearing detention is ordered by the Watch Commander for offenses not listed as requiring pre-hearing detention, the Warden must review such order within 24 hours. Failure to review pre-hearing detention may return the inmate to his previous status. Any time spent in pre-hearing detention should be credited against any subsequent sanction imposed. All inmates on pre-hearing detention will have their status reviewed every 24 hours.

The inmate will be given the reasons for pre-hearing detention in writing, and the inmate will have the opportunity to respond to the charges and the pre-hearing detention order.

CLASS I HEARINGS:

All Class I hearings will be conducted by an impartial Hearing Officer, who should not have had direct supervisory responsibility over the accused inmate during the six month period immediately preceding the hearing. A hearing officer will be disqualified to preside over hearings in which he witnessed the incident in question, was involved in preparation of the charge, or is otherwise biased against the inmate who is the subject of the hearing. The hearing officer will be of rank no lower than lieutenant and may be a supervisor from the nonuniformed staff.

The stipulation requiring six months of no direct supervisory contact may be waived for small facilities with inmate populations of less than 250 that lack sufficient staff of the rank of lieutenant or higher to comply with this requirement.

At the Class I Hearing, the inmate is entitled to the following:

A. An opportunity to be present during the hearing, except that he may be excluded during the

Hearing Officer's deliberations and at any time the inmate's behavior becomes disruptive to the proceedings. Reasons for such exclusion will be recorded in writing.

B. The accused inmate may consult with counsel or counsel substitute prior to the hearing. At the hearing, an inmate may be accompanied by a counsel substitute who may be either a staff member or an inmate approved by the Hearing Officer. The extent to which counsel substitutes may present an inmate's case at a disciplinary hearing is within the discretion of the Hearing Officer taking into consideration such factors as illiteracy and intelligence of the inmate, the complexity of the issues under consideration, and any other factors which may prevent the inmate from making a reasonable presentation on his own behalf.

C. Copies of any written information which the Hearing Officer may consider will be provided to the inmate except where disclosure of such information would be hazardous to institutional safety or could endanger the physical safety of an individual. Reasons for non-disclosure will be stated in writing.

D. An opportunity to make a statement and present documentary evidence on his behalf including written witness testimony.

E. An opportunity to call witnesses and/or present written statements on his behalf unless doing so would be irrelevant, redundant, or hazardous to institutional safety and security, or could endanger the physical safety of any individual. Such reasons for denial will be stated in writing. The Hearing Officer may also deny witnesses if the Hearing Officer stipulates to or will agree to the testimony that would have been given. Such stipulation or agreement will be made in writing.

F. An opportunity to confront and cross-examine his accuser and all adverse witnesses, unless doing so could be hazardous to institutional safety, order and security or could endanger the physical safety of the witness. Such reasons for denial will be stated in writing.

At any time during the hearing, the Hearing Officer may exclude evidence, although relevant, if its evidential value is outweighed by considerations of undue delay, waste of time, or needless presentation of cumulative evidence; such reasons shall be stated in writing.

At any time during the hearing, the Hearing Officer on his own motion, may order an investigation into the incident and continue the hearing at a future time. If the hearing officer finds the facts do not support the charge but do support a different charge, he/she may change the charge and proceed with the hearing.

DECISION AND RECORD OF FINDING:

At the conclusion of the hearing the Hearing Officer shall announce the decision and sanction. The decision and the evidence used to reach that decision will be put in writing and a copy will be given to the inmate. The imposition of any of the sanctions may be suspended and the inmate may be placed upon probation for a period of time not to exceed 90 days. No sanction shall be implemented during the period of time that a decision is under appeal.

The Hearing Officer's written record of the hearing should be completed at the hearing and include:

A. The Hearing Officer's decision.

B. The sanction imposed.

C. A summary of the rationale upon which the decision and sanction were based.

D. A list of all witnesses and a summary of their testimony.

E. A statement as to whether the sanction is stayed during an appeal and the reasons for that decision.

F. The date and time of the hearing.

G. The signature of the Hearing Officer.

All hearing reports of Class I write ups resulting in a finding of guilt will be retained in the inmate's permanent record in the Records Section of the facility.

** **1.29 Refusal to Participate in Classified Treatment Program**
Willfully refusing to participate in Bureau sanctioned treatment programs

** **1.30 Refusal to comply with Sex Offender Registration Procedures**
Willfully refusing to comply with registering as a sex offender.

1.31 Conspiracy to Commit a Class I Offense

CLASS II OFFENSES:

2.01 Abuse of Privileges: Willful violation of any institutional regulation dealing with a privilege.

2.02 Bartering: Unauthorized buying, selling, trading, lending, or giving of gifts. Taking, exercising control over or otherwise using the property of another person with or without the consent of the owner. Lending of property or anything of value with or without the expectation of anything in return.

2.03 Creating a Health, Safety, or Fire Hazard: Activities which create a situation dangerous to the health or safety of persons within the institution or create a danger of fire within the institution, including but not limited to dirty cell, lack of personal hygiene, smoking in an unauthorized area, and excessive accumulation of personal property.

2.04 Damage or Destruction of Property Under $10: Tampering with, damaging or destroying property belonging to the state of Delaware or to another person when the replacement value of such property is less than $10.

2.05 Disrespect: Words, actions, or other behavior, which is intended to harass employees, volunteers, or visitors including cursing, abusive language, writing, or gestures directed at the person.

2.06 Failing to Obey an Order: Disobeying any verbal or written order that does not constitute a Class I violation. Including but not limited to refusal to work and/or violation of posted rules in the housing unit or work area where there is no threat to institution security.

2.07 Gambling: Organizing or participating in wagers or games for personal gain, money or anything of value.

2.08 Horseplay: Any physical contact or attempted physical contact between two or more persons done in a jesting or playful manner, without anger or intent to injure or intimidate. This includes but is not limited to towel snapping at others, body punching, or attempted physical wrestling, etc.

2.09 Late for Appointments/Assignments: Late for any work assignment, program assignment, medical appointments, etc.

2.10 Lying: Making a false statement to a Department of Correction staff person with intent to deceive such staff member. This includes false information for personal gain from good time earnings or compensation.

2.11 Off Limits:

A. Failing to report as prescribed to an appointed place of duty or assignment or to any other place when directed by the valid order of a staff member.

B. Leaving without permission from an appointed place of duty or assignment or any other place.

C. Entering or remaining in a prohibited area.

D. Being in area for the purpose of committing a Class I violation would make Off Limits a Class I Offense.

2.12 Possession of Money and Coin Under $1: Possession of money, coin, currency or other forms of legal tender under $1.

2.13 Possession of Non-dangerous Contraband: Possession or control of any contraband, which by its nature does not present a substantial threat to the safety of persons within the institution. This also includes, but is not limited to, any article of clothing that is not specifically authorized to be worn and excessive accumulation of authorized items, and after January 1, 1993, cigarettes and other smoking materials.

2.14 Unauthorized Communication: Any contact by letter, gesture, or verbally, with an unauthorized person or in an unauthorized manner, including but not limited to passing property on a visit either directly or through a third person, communication with a visitor through any channel other than visiting room, or unauthorized use of telephone.

2.15 Conspiracy to Commit a Class II Offense

SANCTIONS:

CLASS I OFFENSES:

A Class I Offense, as defined in the Definitions Section, is a rule violation in which a more severe sanction may be imposed than permitted for a Class II offense. Sanctions which may be imposed for a Class I offense include:

A. Loss of one or more privileges for a period of time of not more than 90 days. The following are not considered privileges and cannot be revoked:

1. Education

3. Counseling Services

4. Drug/Alcohol Rehabilitation Programs

5. Regular Work Assignments

6. Religious Services

7. Legal Access (Law Library)

B. Confinement to assigned quarters for a period of time of not more than 15 days.

C. Isolated confinement for a period of time not more than 90 days.

D. Loss of good time up to and including all good time earned.

E. Restitution.

CLASS II OFFENSES

A Class II Offenses, as defined in the Definitions Section, is a rule violation in which the extent of the sanctions to be imposed shall be restricted to:

A. Written reprimand.

B. Loss of one or more privileges for a period of time of not less than 24 hours but not more than 5 days. The same list of programs that cannot be revoked as listed on page 15 under sect **A** of Sanctions for Class I Offenses apply for this section.

C. Confinement to assigned quarters for a period of time not to exceed 5 days.

D. Summary Action.

E. By mutual agreement the inmate may be assigned extra work assignments in lieu of any other sanction for a Class II offense.

IMPOSITION OF SANCTIONS:

A. Where an offense constitutes both a rule violation and a criminal offense under state or federal statute, the inmate may receive internal disciplinary action and receive up to the maximum sanction. In addition the inmate may be referred for criminal prosecution and receive whatever sanction a court may impose.

B. Any combination of authorized sanctions for a specific class violation may be imposed for a single violation. Such combination of sanctions must be imposed concurrently; i.e., 5 days isolation and 15 days cell confinement, the inmate would serve 5 days in isolation and 10 days on cell confinement for a total of 15 days.

C. Consecutive sanctions may not be imposed except for separate violations. When a single incident contains more than one separate violation, the inmate may be disciplined for each. Sanctions may be imposed for each violation to run concurrently.

D. When imposing sanctions, the Hearing Officers should consider the full range of penalties in each case and make the penalty fit the particular offense. The least sanction necessary to obtain compliance with the rules is intended.

E. Forfeiture of accumulated good time is subject to the approval of the Warden.

F. A finding of guilt on a Class I offense can be grounds for reclassification to more secure confinement.

G. The Hearing Officer will place a check mark in the "Offender Present" block of the DACS Disciplinary Hearing screen to confirm that the offender was present during all phases of the Disciplinary Process and the offender was notified of the sanction imposed upon him, and his right to appeal. The inmate's signature is not required on any form during the Disciplinary Process.

RESTITUTION:

A. The Hearing Officer may order restitution for the cost of property that has been taken, damaged or destroyed by an inmate where such property is not recovered in the same condition as existed prior to the taking.

B. Where the Hearing Officer has found the existence of such a rule violation and ordered that restitution be made, and such order has not been reversed on appeal, the administrative officer of the institution shall enforce the order by attaching the inmate's account for the amount of restitution ordered. Where the account has no funds, it will be attached for 1/2 all income until the judgment is paid.

C. The amount of restitution ordered shall be the replacement value of the item taken, damaged or destroyed.

SUMMARY ACTION:

A. Upon observing inmate misconduct staff may determine that it is a minor offense properly responded to by an immediate revocation of one or more privileges or confinement to assigned quarters for a period of time not to exceed twenty-four hours. The employee will notify the Unit Supervisor when placing Summary Action on an inmate. Summary Actions will be entered into DACS; however, they will not be considered in future Classification or Disciplinary Processes.

B. When an inmate commits a rule infraction that is a Class II Offense, the staff requesting Summary Action will write a Form A25. The inmate will be called into the office and informed of the sanction which shall be up to 24-hour loss of all privileges, 24-hour cell confinement or up to 24 hours extra work. The inmate will sign the A25 indicating that he/she accepts the sanction. If he/she refuses to sign, a Class II disciplinary report will be written in lieu of summary action.

All Wardens should develop facility SOPs to implement this procedure. These SOPs may not deviate from the general format of this procedure, but may allow for the unique differences between facilities.

Inmates may be administratively transferred pending classification or reclassified to more restrictive security levels for violations of the Rules of Conduct. This may occur through an accumulation of a combination of Class I and/or Class II offenses or a single serious offense.

STATE OF DELAWARE BUREAU OF PRISONS	PROCEDURE NUMBER: 4.2	PAGE: 8 OF 18
SUBJECT: RULES OF CONDUCT		

CLASS II HEARINGS:

Class II hearings shall be held by the Unit Supervisor/Lead Worker on the shift that the Class II violation occurred.

At the Class II Hearing, the inmate is entitled to the following:

A. An opportunity to be present during the hearing.

B. An opportunity to make a statement and present documentary evidence.

Unless the Unit Supervisor/Lead Worker feels additional testimony is necessary, his decision may be based on the disciplinary report, the statement of the inmate, and any other relevant information presented at the hearing.

The Unit Supervisor/Lead Worker will state in writing, utilizing the Disciplinary Hearing Report Form; his findings, the rationale, and the sanctions imposed. The inmate will receive a copy of the written decision and will be advised of his right of appeal. All hearing reports of Class II write ups resulting in a guilty finding will be placed in to the housing unit's working file. An inmate working file shall be forwarded to any facility/unit that an inmate is transferred to.

Three guilty findings for the same Class II offense in a six-month time period will automatically convert the fourth same offense to a Class I hearing.

APPEALS:

The inmate will be advised of his/her right to appeal the decision of the Class I Hearing Officer to the Warden or Warden's Designee and will be provided with an appeal form presented from the DACS Disciplinary Module. The inmate will be advised of his right to appeal the decision of the Class II Hearing to a Class I Hearing Officer.

All appeal forms must be completed and forwarded to the Hearing Officer within 72 hours of the inmate receipt of the written record of the hearing. FAILURE TO COMPLY WITH THIS TIME LIMIT WILL CONSTITUTE GROUNDS FOR DISMISSAL OF THE APPEAL.

STATE OF DELAWARE BUREAU OF PRISONS	PROCEDURE NUMBER: 4.2	PAGE: 9 OF 18
SUBJECT: RULES OF CONDUCT		

Upon filing of the appeal form, the Hearing Officer shall grant a stay of any sanction imposed at the disciplinary hearing until an appeal decision is rendered. If no appeal form is filed within the stated time period or the inmate indicates in writing that he does not intend to appeal, the sanction shall be implemented.

All appeals of Class I offenses will be heard by the Warden or Warden's Designee. All appeals of Class II offenses will be heard by a Class I Hearing Officer. The appeal decision will be in writing and should be rendered within ten (10) working days of receipt of the appeal. A copy of the appeal decision goes to the inmate.

The official hearing the appeal may affirm the decision, reverse the decision, or remand the decision back to the Hearing Officer for further proceedings. Sanctions may be reduced but not increased.

If for any reason an inmate is found not guilty of an offense, Class I or Class II, it shall be so noted in DACS.

PROCEDURES FOLLOWING CRIMINAL MISCONDUCT:

Upon the determination of the Watch Commander or the Hearing Officer that an inmate has committed a state or federal criminal offense, the Warden or his designee will be notified. The proper law enforcement authority will then be notified. Administrative disciplinary proceedings may be pursued in addition to possible criminal prosecution. Any disciplinary hearing for this alleged offense will be conducted in accordance with this procedure, and the inmate will be advised that he may choose right to remain silent in the hearing and that his silence will not be construed adversely against him at the hearing.

PROCEDURES FOLLOWING AN EMERGENCY:

In the event of an institutional disruption, which requires emergency action, any or all portions of these regulations may be temporarily suspended by the Warden in writing. Any inmate involved in the emergency may be detained without a hearing throughout the course of the emergency. Upon the restoration of order, all inmates who were detained will be disciplined in accordance with this procedure.

CLASS I OFFENSES:

1.01 Arson: Intentionally or recklessly starting a fire or causing an explosion. Inmate may also be referred for criminal prosecution.

1.02 Assault: Physical attack on or intentional contact of another person by one or more persons, done either in anger, or with the purpose of abusing or injuring another; striking with feces, urine, or other physical objects; physical resistance of or interference with an employee. Injury is not necessary but contact is. Inmate may also be referred for criminal prosecution.

1.03 Bribery: Giving, offering or promising anything of value to any employee, volunteer, visitor, or person or organization conducting business with the BOP:

A. To influence any act within the realm of responsibility of said person.

B. To induce said person or persons to do or omit from doing any act in violation of their responsibility.

1.04 Damage or Destruction of Property (over $10): Any destruction, removal, alteration, tampering, or other misuse of property belonging to the state of Delaware or to another person when the replacement value of such property exceeds $10. This includes but is not limited to tampering with or blocking any security or locking device, breaking windows, destroying blankets, clothing, or mattresses.

1.05 Demonstrations (Strike): Inciting or urging two or more inmates to engage in a disturbance involving non-violent conduct which substantially disrupts the normal functioning and operation of the institution. Participating in a disturbance involving nonviolent conduct, which substantially disrupts the normal functioning and operation of the institution.

1.06 Disorderly or Threatening Behavior: Words, actions, or other behavior expressing any intent to injure, which intends to place another in fear of being assaulted. This includes, but is not limited to attempted assault, threats of sexual assault made by one inmate to another, or writing threatening letters to another person.

1.07 Engaging in a Riot: Participating in a riot, which is in existence at the time of this act. However, an inmate who is merely present at the scene of an ongoing riot is not guilty of an offense under this section, provided that he moves to a designated area after being directed to by proper authority. Inmate may also be referred for criminal prosecution.

1.08 Escape and Attempt to Escape: Leaving or attempting to leave the confines of an institution or from official custody while beyond the confines of the institution, or failing to return to official custody within an institution following temporary release from an institution. Inmate may also be referred for criminal prosecution.

1.09 Extortion, Blackmail or Protection: Demanding of or receiving from another person, anything of value in return for protecting that person from others or refraining from committing bodily injury or sexual assault on that person.

1.10 Failure to Abide by Sanctions or Conditions of a Class I or II Disciplinary Disposition: Breaking a condition of restitution or other sanction.

1.11 Falsifying Physical Evidence and/or Influencing a Witness: While believing that an official proceeding or an official investigation is pending or about to be instituted:

A. Altering, destroying, concealing or removing anything with intent to impair its authenticity or availability in such proceeding or investigation.

B. Presenting or using anything knowing it to be false, with intent to deceive staff or anyone who is or will be a member of such proceeding or investigation.

C. Attempting to cause a witness to testify falsely or to withhold any testimony or information or other evidence.

D. Committing any act prohibited by these rules in retaliation for anything done by another p person in his capacity as a witness.

E. Soliciting, accepting or agreeing to accept any benefit in return for providing false testimony or information or withholding any testimony or information or other evidence.

1.12 Felony: Any act that would be a felony under state or federal law is also a major misconduct. Inmate may also be referred for criminal prosecution.

1.13 Fighting: Physical confrontation between two or more persons, including a swing and miss, done with anger or intent to injure. This includes fights between inmates, whether with fists, broom handles, weapons, or other physical objects.

1.14 Forgery, Counterfeiting: Unauthorized reproduction of any signature, document, article of identification, money, security, or official papers; knowingly possessing a falsified or altered document; altering or falsifying document with the intent to deceive or defraud.

1.15 Giving a False Alarm: Willfully communicating a false report concerning a fire, explosion, or other catastrophe or emergency where the report is likely to cause the evacuation of a building or to cause the staff to respond in alarm.

1.16 Homicide: Causing the death of another person by any means. Inmate may also be referred for criminal prosecution.

1.17 Inciting to Riot: Inciting or urging a group of two or more inmates to engage in a current or pending riot or commanding, directing, instructing, or signaling a group of two or more inmates to cause, continue or enlarge a riot. A "riot" is a disturbance involving an assemblage of three or more persons whose conduct creates a threat of damage or injury to property or persons and disrupts the normal functioning of the institution. An inmate may be found guilty of Inciting to Riot even where no riot actually occurs as a direct or indirect result of his urging. Inmates may also be referred for criminal prosecution.

1.18 Possession of Dangerous Contraband: Unauthorized possession of weapons, physical objects that could be used as weapons, explosives, acids, caustics, materials for incendiary devices or escape materials; possession of "critical" tools and material or dangerous tools and materials. This includes but is not limited to gasoline, sulfuric acid, lye, prison-made knives, and pipe bombs. After 1/1/93, matches and lighters are added to this list.

1.19 Possession of Money and Coin Over $1: Possession of money, coin, currency or other forms of legal tender such as certificates of deposit, stocks, or bonds.

1.20 Possession of Staff Clothing: Possession of any article of clothing which is identifiable as part of or an accessory to the Department of Correction staff uniform.

1.21 Receiving Stolen Property: Receiving or possessing property of another person knowing that it has been stolen or believing that it has probably been stolen.

1.22 Refusal to Cooperate in Drug-Abuse Testing: Willfully refusing to provide a urine sample, to breathe into a breathalyzer or to participate in other drug-abuse testing.

1.23 Restraint: Willfully restraining another person under circumstances, which may expose the other person to a risk of bodily injury. This includes, but is not limited to kidnapping or the taking of a hostage. Inmate may also be referred for criminal prosecution.

1.24 Sexual Assault: Sexual contact with another person without that person's consent, including but not limited to rape, intentional touching of sexual areas (buttocks, breasts, genitals) without consent, kissing or embracing without consent of one who is kissed or embraced. Inmate may also be referred for criminal prosecution.

1.25 Sexual Misconduct: Sexual contact with another person with that person's consent; indecent exposure; excessive kissing, hugging or unauthorized touching of visitors; and possession of wearing apparel designed for the opposite sex.

1.26 Substance Abuse: Possession, use, selling, introduction, or under the influence of any intoxicant, inhalant, controlled substance or imitation, or any other substance which may be used to cause a condition of intoxication; possession of excessive amounts of ingredients used for the manufacture of alcoholic beverages, possession of drug paraphernalia including but not limited to such items as needles, syringes, roach clips, pipes, etc.

1.27 Theft: Any unauthorized taking of property.

1.28 Refusal to Cooperate in DNA Testing: Willfully refusing to provide a blood sample as required to comply with Federal or State Court sanctioned testing.

October 11, 2006

James St.Louis, 446518
22
AU5

I will be preparing your classification this month. Building 21 is maximum security. Let's talk about that more at classification. I will leave my recommendation blank until we talk.

Per your request, here is your breakdown for classification.

6 – Severity of offense
0 – Open charges
0 – Escapes
0 – Age
0 – Prior convictions 10 years prior to the start date of this sentence
2 – Points for number of write-ups in the last 18 months
3 – Points for most severe write-up in the last 5 years
2 – Points for programming/not programming, working or being terminated from work
3 – Points for time remaining on your sentence.

The total points are 16 points with a review of 06/07. However, I have approval to review your classification this month. Counselor McMahon and Lt. Porter were on the MDT of that classification.
Thank you, and see you soon.

Cindy Atallian
Counselor – 22